

PATRICIA CALDWELL,
Plaintiff,

v.

FEDEX GROUND PACKAGES, INC.
and DOES 1-100,
Defendants.

THIS MATTER IS BEFORE THE COURT on the “Defendant’s Motion to Compel Plaintiff to Answer Deposition Questions” (“Motion to Compel”) (Document No. 26) and the “Memorandum Supporting Defendant’s Motion to Compel ...” (Document No. 26), both filed September 23, 2005 by FedEx Ground Packages, Inc. (“FedEx”); the “Plaintiff Patricia Caldwell’s Response ...” (Document No. 29), filed October 20, 2005 by Patricia Caldwell; and the “Reply Memorandum ...” (Document No. 31), filed October 31, 2005 by FedEx. For the reasons set forth in the hearing held Thursday, November 10, 2005, the Court will grant in part and deny in part the Motion to Compel.

IT IS, THEREFORE, ORDERED that the “Defendant’s Motion to Compel Plaintiff to Answer Deposition Questions” (Document No. 26) is **GRANTED IN PART AND DENIED IN PART**; that is,

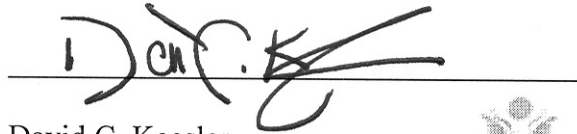
1. FedEx shall be permitted – at its expense – to continue the deposition of Ms. Caldwell for a reasonable amount of time;
2. If the deposition of Ms. Caldwell is continued, FedEx shall not be permitted to inquire further into conversations between Ms. Caldwell and Michael S. Davis, her attorney, during the previously conducted deposition of Ms.

Caldwell;

3. Mr. Davis personally shall pay the reasonable expenses, including attorney fees, incurred by FedEx in making the Motion to Compel; and
4. Mr. Davis is cautioned that any future behavior in violation of Rule 30(d) of the Federal Rules of Civil Procedure could result in appropriate further sanctions.

IT IS FURTHER ORDERED that, within ten days of the entry of this Order, FedEx should submit sufficient information, specifically including an affidavit, upon which to enter an award of reasonable expenses incurred by FedEx in making the Motion to Compel. Ms. Caldwell will be allowed fourteen days from her receipt of such information within which to file a response with the Court.

Signed: November 10, 2005

A handwritten signature in black ink, appearing to read 'D.C. Keesler', is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

